

12949
VIRGINIA:

080001182

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

SUPPLEMENTAL ORDER REGARDING DOCKET NUMBER – **VACATE ORDER**
VGOB 04-0817-1320

ELECTIONS: UNIT BF-103
(herein “Subject Drilling Unit”)

REPORT OF BOARD

FINDINGS AND ORDER

This Supplemental Order is entered by the Board *sua sponte* in the form authorized by the Board at hearings held on February 15, 1994 and June 16, 1992; and this Supplemental Order is being recorded for the purpose of supplementing the Order previously executed in the captioned matter on January 13, 2005 which was recorded at Deed Book 610, Page 666 in the Office of the Clerk of the Circuit Court of Buchanan County, Virginia, on January 21, 2005, (herein “Board Order”) and completing the record regarding elections.

Findings: The Board finds that:

The Board Order directed CNX GAS COMPANY LLC (herein “Designated Operator”) to mail copies of the Board Order to all Respondents whose interests, if any, were pooled by the said Board Order;

The Designated Operator filed its affidavit of elections disclosing that it had mailed a true and correct copy of the Board’s Order to all Respondents whose interests, if any, were pooled by said Board Order;

The Board Order required each Respondent whose interests, if any, were pooled by the terms of said Board Order to make an election within thirty (30) days after the date of mailing or recording, as applicable, of said Order; the affidavit of elections filed herein and annexed hereto as Exhibit A states: (i) whether each Respondent has made or failed to make a timely election; (ii) the nature of any election(s) made; and (iii) whether, by reason of a failure to elect or to timely elect one or more Respondents are deemed, under the terms of the Board’s Order, to have leased all their rights, title, interests, estates and claims in Subject Drilling Unit to the Applicant;

That the affidavit of elections annexed hereto with the Exhibits submitted therewith identifies the Respondent(s) making a timely election, if any; identifies the Respondent(s), if any, who are deemed to have leased; identifies the conflicting interests and claims which require escrow; identifies the interests and claims, if any, requiring escrow under Virginia Code section 45.1-361.21.D.; and identifies the Respondents, if any, who may be dismissed by reason of having leased or entered into a voluntary agreement with the Applicant.

The affidavit of elections indicates whether or not the escrow of funds is required with regard to Unit BF-103;

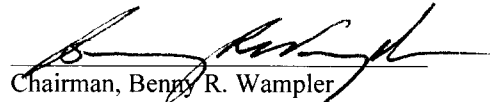
Order: By this Order, the Board orders the Designated Operator to tender, consistent with and in accordance with the findings set forth at paragraph 2. above and the annexed affidavit of elections with Exhibits thereto, any funds subject to escrow and instructs the Escrow Agent, Wachovia Bank, N.A., VA7515, P.O. Box 14061, Roanoke, VA 24038, Attn: Judy Barger or any successor named by the Board to establish interest bearing escrow account(s), IRS Tax Identification Number 54-1629506, in accordance with the information set forth in the affidavit of elections with Exhibits thereto, to receive funds and account to the Board therefore.

Mailing of Order and Filing of Affidavit: The Designated Operator under the captioned Order or shall file an affidavit with the Secretary of the Board within ten (10) days after the date of receipt of this Order stating that a true and correct copy of this Order was mailed to each Respondent whose interests or claims are subject to escrow and whose address is known within seven (7) days from the date of receipt of this Order.

Conclusion: Therefore, the findings and all terms and provisions set forth above be and hereby are granted and IT IS SO ORDERED.

Effective Date: This Order shall be effective on the date of its execution.

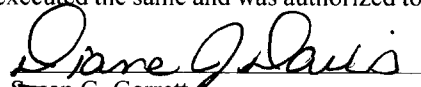
DONE AND EXECUTED this 15th day of January, 2008, by a majority of the Virginia Gas and Oil Board.


Chairman, Benny R. Wampler

STATE OF VIRGINIA


COUNTY OF ~~WISE~~
Washington

Acknowledged on this 15th day of January, 2008, personally before me a notary public in and for the Commonwealth of Virginia, appeared Benny R. Wampler, being duly sworn did depose and say that he is Chairman of the Virginia Gas and Oil Board, that he executed the same and was authorized to do so.


Susan G. Garrett
Notary 174394

My commission expires: 9/30/09.


DONE AND PERFORMED THIS, 15th day of January, 2008, by Order of the Board.


B. R. Wilson,
Principal Executive to the Board

STATE OF VIRGINIA

COUNTY OF WASHINGTON

Acknowledged on this 15th day of January, 2008, personally before me a notary public in and for the Commonwealth of Virginia, appeared B. R. Wilson, being duly sworn did depose and say that he is Director of the Division of Gas & Oil Board and Principal Executive to the Board, that he executed the same and was authorized to do so.


Diane J. Davis, Notary 174394

My commission expires: 9/30/09.

VIRGINIA:

Exhibit A

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

Application of CNX Gas Company LLC for Forced Pooling of Interests in CBM Unit BF-103
VGOB 04-0817-1320 in the Hurricane District of Buchanan County, Virginia

AFFIDAVIT OF CNX GAS COMPANY LLC (herein "Designated Operator") REGARDING ELECTIONS,
ESCROW AND SUPPLEMENTAL ORDER

Leslie K. Arrington, being first duly sworn on oath, deposes and says:

That your affiant is employed by CNX Gas Company LLC, as a Manager – Environmental / Permitting and is duly authorized to make this affidavit on behalf of CNX GAS COMPANY LLC, the designated operator,

That the Order entered on January 14 2005, by the Virginia Gas and Oil Board (hereinafter "Board") regarding the captioned CBM Unit required the Applicant to mail a true and correct copy of said Order to each person pooled by the Order;

That within seven (7) days of receipt of an executed copy of the Order referred to at paragraph 2. above, your affiant caused a true and correct copy of said Order to be mailed via the United States Postal Service to each Respondent named in the captioned Application, whose address was known, and to all persons, if any, who were added as Respondents at the hearing held in the captioned matter; that proof of such mailing has previously been tendered to the Division of Gas and Oil, the Office of the Gas and Oil Inspector, at Abingdon, Virginia;

That the Order of the Board in the captioned matter required all persons pooled thereby to tender their written elections to the Unit Operator within thirty (30) days of the date the Order was recorded in the county identified above; that said Order was recorded on January 21, 2005;

That the designated operator CNX GAS COMPANY LLC has established procedures to review all mail received and all written documents received other than by mail to ascertain whether parties whose interests have been pooled have made a written election, in a timely fashion, as required by the captioned Order; that said procedures were followed to identify the elections, if any, made with regard to the Subject Unit; that the following persons delivered, by mail or otherwise, written elections the Unit Operator, within the thirty day elections period:

None

That all of the Respondents identified in Exhibit B-3 hereto have entered into voluntary agreements whereby they have leased and/or otherwise agreed with Applicant to a plan to develop their interests and claims within the unit to CBM. Hence, said unit may be voluntarily pooled.

See attached Exhibit B-2 and B-3 (Unit is 100% under Lease and/or Agreement).

That in light of the Agreement(s) described above, it is no longer necessary for the Board to maintain an escrow account/sub accounts pertaining to the above referenced CBM Unit, if applicable.

That pursuant to the provisions of VAC 25-160-70.A.10. and C. and VAC 25-160-80 the annexed supplemental order sets forth the interests and claims that require escrow of funds pursuant to Virginia Code sections 45.1-361.21.D. and 45.1-361.22.A.3. and 4.

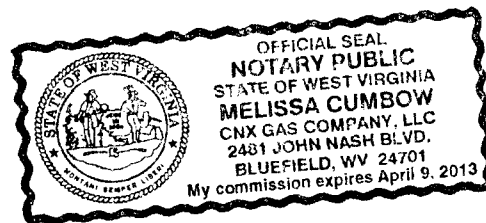
Dated at Bluefield, West Virginia, this 8th day of JANUARY, 2008.

Leslie K. Arrington
Leslie K. Arrington

Taken, subscribed and sworn to before me by Leslie K. Arrington as a Manager – Environmental Permitting for CNX Gas Company LLC, on behalf of the corporate Designated Operator, this 8th day of January, 2008.

Melissa Cumbow
Notary

My commission expires: April 9, 2013.



PROPERTY LINES SHOWN WERE TAKEN FROM MAPS PROVIDED
BY CNX LAND RESOURCES, Inc. AND WERE NOT SURVEYED.

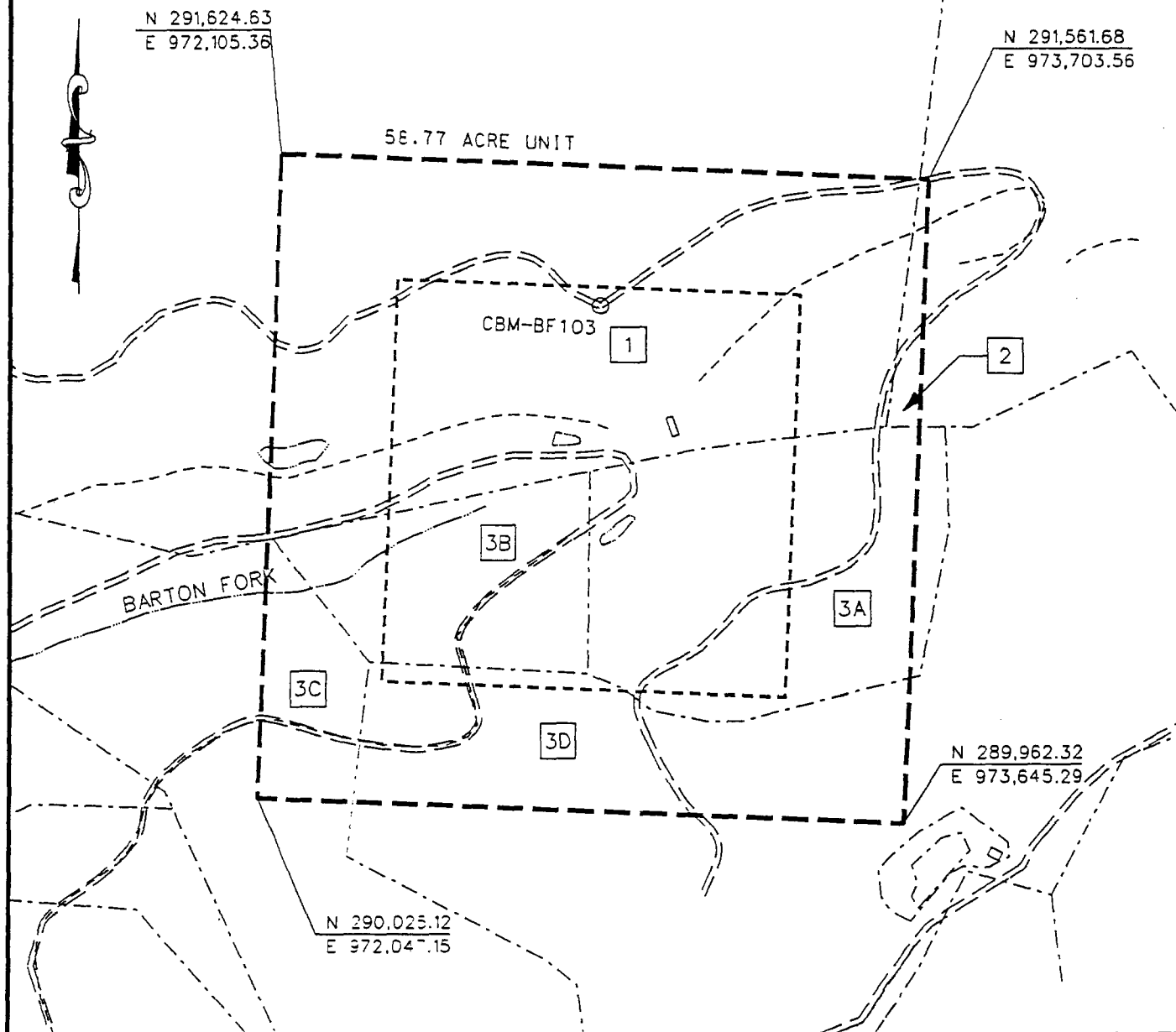


EXHIBIT A
NORA FIELD
UNIT BF-103
FORCE POOLING
VGOB-04-0817-1320

Company CNX Gas Company LLC Well Name and Number UNIT BF103
Tract No. _____ Elevation _____ Quadrangle Big A Mountain
County Buchanan District Hurricane Scale: 1" = 400' Date 7/1/14
This plat is a new plat X ; an updated plat _____ ; or a final plat _____

Form DGO-GO-7
Rev. 9/91

Charles O. May
Licensed Professional Engineer or Licensed Land Surveyor

10000
(Affix Seal)

CNX Gas Company LLC

UNIT BF-103

Tract Identifications

(58.77 Acre Unit)

1. Emory & Henry College - Fee
CNX Gas Company LLC - Oil, Gas and CBM Leased
27.48 acres 46.7586%
2. Tazewell Coal and Iron Company (James H. Smith 290.77 Acre Tract) – All Minerals
CNX Gas Company LLC – Oil, Gas and CBM Leased
Gent Enterprises – Surface
0.72 acres 1.2251%
- 3A. Tazewell Coal and Iron Company (Andrew J. Owens 205.75 Acre Tract) – Coal
CNX Gas Company LLC – CBM Leased
Nadyne K. Combs OR Tazewell Coal and Iron Company – All Minerals except Coal
CNX Gas Company LLC – Oil, Gas and CBM Leased (If owned by Tazewell Coal and Iron Company)
Nadyne K. Combs – Surface
11.70 acres 19.9081%
- 3B. Tazewell Coal and Iron Company (Andrew J. Owens 205.75 Acre Tract) – Coal
CNX Gas Company LLC – CBM Leased
Nadyne K. Combs OR Tazewell Coal and Iron Company – All Minerals except Coal
CNX Gas Company LLC – Oil, Gas and CBM Leased (If owned by Tazewell Coal and Iron Company)
Nadyne K. Combs – Surface
6.38 acres 10.8559%
- 3C. Tazewell Coal and Iron Company (Andrew J. Owens 205.75 Acre Tract) – Coal
CNX Gas Company LLC – CBM Leased
Gent Enterprise OR Tazewell Coal and Iron Company - All Minerals except Coal
CNX Gas Company LLC – Oil, Gas and CBM Leased
Gent Enterprise - Surface
2.98 acres 5.0706%
- 3D. Tazewell Coal and Iron Company (Andrew J. Owens 205.75 Acre Tract) – Coal
CNX Gas Company LLC – CBM Leased
Randall Hillman, et al OR Tazewell Coal and Iron Company – All Minerals except Coal
CNX Gas Company LLC – Oil, Gas and CBM Leased
Randall Hillman, et al - Surface
9.51 acres 16.1817%

Exhibit B-2
Unit BF-103
Docket #VGOB 04-0817-1320
List of Respondents to be Dismissed
(58.77 Acre Unit)

		Acres in Unit	Percent of Unit	Reason for Dismissal
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II.	<u>OIL & GAS FEE OWNERSHIP</u>			
	<u>Tract #3A, 11.70 acres</u>			
(1)	Nadyne K. Combs 110 Bogey Drive Abingdon, VA 24211	11.70 acres	19.9081%	Leased
	<u>Tract #3B, 6.38 acres</u>			
(1)	Nadyne K. Combs 110 Bogey Drive Abingdon, VA 24211	6.38 acres	10.8559%	Leased

Exhibit B-3
Unit BF-103
Docket #VGOB 04-0817-1320
List of Unleased Owners/Claimants
(58.77 Acre Unit)

Acres in Unit	Percent of Unit
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This unit is 100% Leased and/or has an Agreement in place.

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Exhibit EE
Unit BF-103
Docket #VGOB 04-0817-1320
List of Conflicting Owners/Claimants with Royalty Split Agreements
(58.77 Acre Unit)

	Acres in Unit	Percent of Unit
<u>Tract #3A, 11.70 acres</u>		
<i>Royalty split agreement resolves title issue, split 50/50</i>		
<u>COAL FEE OWNERSHIP</u>		
(1) Tazewell Coal & Iron Company c/o John W. Gillespie P. O. Box 675 Tazewell, VA 24651	11.70 acres	19.9081%
<u>OIL & GAS FEE OWNERSHIP</u>		
(1) Nadyne K. Combs Heirs, Devisees, Successors or Assigns	11.70 acres	19.9081%
(a) Gerald P. Combs 25484 Watauga Road Abingdon, VA 24211	2.34 1/5 of 11.70 acres	3.9816%
(b) Patsy Ruth Lockwood 1310 South Braddock Street Winchester, VA 22601	2.34 1/5 of 11.70 acres	3.9816%
(c) Peggy Jean Combs Mitchell P.O. Box 2423 Lebanon, VA 24266	2.34 1/5 of 11.70 acres	3.9816%
(d) Priscilla Combs McCall 19310 Old Jonesboro Road Abingdon, VA 24211	2.34 1/5 of 11.70 acres	3.9816%
(e) Dwight David Combs 110 Bogey Drive Abingdon, VA 24211	2.34 1/5 of 11.70 acres	3.9816%
- OR -		
(1) Tazewell Coal & Iron Company c/o John W. Gillespie P. O. Box 675 Tazewell, VA 24651 (Title issue resolved)	11.70 acres	19.9081%

Tract #3B, 6.38 acres

Royalty split agreement resolves title issue, split 50/50

COAL FEE OWNERSHIP

(1) Tazewell Coal & Iron Company c/o John W. Gillespie P. O. Box 675 Tazewell, VA 24651	6.38 acres	10.8559%
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Exhibit EE
Unit BF-103
Docket #VGOB 04-0817-1320
List of Conflicting Owners/Claimants with Royalty Split Agreements
(58.77 Acre Unit)

	Acres in Unit	Percent of Unit
<u>OIL & GAS FEE OWNERSHIP</u>		
(1) Nadyne K. Combs Heirs, Devisees, Successors or Assigns	6.38 acres	10.8559%
(a) Gerald P. Combs 25484 Watauga Road Abingdon, VA 24211	1.28 1/5 of 6.38 acres	2.1712%
(b) Patsy Ruth Lockwood 1310 South Braddock Street Winchester, VA 22601	1.28 1/5 of 6.38 acres	2.1712%
(c) Peggy Jean Combs Mitchell P.O. Box 2423 Lebanon, VA 24266	1.28 1/5 of 6.38 acres	2.1712%
(d) Priscilla Combs McCall 19310 Old Jonesboro Road Abingdon, VA 24211	1.28 1/5 of 6.38 acres	2.1712%
(e) Dwight David Combs 110 Bogey Drive Abingdon, VA 24211	1.28 1/5 of 6.38 acres	2.1712%
- OR -		
(1) Tazewell Coal & Iron Company c/o John W. Gillespie P. O. Box 675 Tazewell, VA 24651 (Title issue resolved)	6.38 acres	10.8559%

Tract #3C, 2.98 acres

Royalty split agreement resolves title issue, split 50/50

COAL FEE OWNERSHIP

(1) Tazewell Coal & Iron Company c/o John W. Gillespie P. O. Box 675 Tazewell, VA 24651	2.98 acres	5.0706%
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OIL & GAS FEE OWNERSHIP

(1) Gent Enterprises P.O. Box 330 Honaker, VA 24260	2.98 acres	5.0706%
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- OR -

(1) Tazewell Coal & Iron Company c/o John W. Gillespie P. O. Box 675 Tazewell, VA 24651 (Title issue resolved)	2.98 acres	5.0706%
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Tract #3D, 9.51 acres

Exhibit EE
Unit BF-103
Docket #VGOB 04-0817-1320
List of Conflicting Owners/Claimants with Royalty Split Agreements
(58.77 Acre Unit)

	Acres in Unit	Percent of Unit
Royalty split agreement resolves title issue, split 50/50		
<u>COAL FEE OWNERSHIP</u>		
(1) Tazewell Coal & Iron Company c/o John W. Gillespie P. O. Box 675 Tazewell, VA 24651	9.51 acres	16.1817%
<u>OIL & GAS FEE OWNERSHIP</u>		
(1) Randall Hillman, et al.	9.51 acres	16.1817%
(a) Randall Hillman P.O. Box 1076 Honaker, VA 24260	4.76 1/2 of 9.51 acres	8.0909%
(b) Michael Hillman P.O. Box 1945 Lebanon, VA 24266	4.76 1/2 of 9.51 acres	8.0909%
- OR -		
(1) Tazewell Coal & Iron Company c/o John W. Gillespie P. O. Box 675 Tazewell, VA 24651 (Title issue resolved)	9.51 acres	16.1817%

INSTRUMENT #080001182
RECORDED IN THE CLERK'S OFFICE OF
BUCHANAN COUNTY ON
MARCH 27, 2008 AT 02:25PM
BEVERLY S. TILLER, CLERK
RECORDED BY: NKE

Exhibit EE
Unit BF-103
Docket #VGOB 04-0817-1320
List of Conflicting Owners/Claimants with Royalty Split Agreements
(58.77 Acre Unit)

	Acres in Unit	Percent of Unit
<i>Royalty split agreement resolves title issue, split 50/50</i>		
<u>COAL FEE OWNERSHIP</u>		
(1) Tazewell Coal & Iron Company c/o John W. Gillespie P. O. Box 675 Tazewell, VA 24651	9.51 acres	16.1817%
<u>OIL & GAS FEE OWNERSHIP</u>		
(1) Randall Hillman, et al.	9.51 acres	16.1817%
(a) Randall Hillman P.O. Box 1076 Honaker, VA 24260	4.76 1/2 of 9.51 acres	8.0909%
(b) Michael Hillman P.O. Box 1945 Lebanon, VA 24266	4.76 1/2 of 9.51 acres	8.0909%
- OR -		
(1) Tazewell Coal & Iron Company c/o John W. Gillespie P. O. Box 675 Tazewell, VA 24651 (Title issue resolved)	9.51 acres	16.1817%

INSTRUMENT #0200001162
RECORDED IN THE CLERK'S OFFICE OF
BUCHANAN COUNTY ON
MARCH 27, 2005 AT 02:25PM
BEVERLY S. TILLER, CLERK
RECORDED BY: NNE